

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Project Facility Availability and Commitment for Public Sewer,
Water, School and Fire Services

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Purpose

To establish consistent procedures for using Project Facility Availability (PFA) forms and, in certain cases, Project Facility Commitment (PFC) forms, in the processing of land divisions and certain other projects requiring discretionary approval by the County.

Background

The County General Plan requires that the County ensure that adequate facilities are available concurrent with need before giving final approval to subdivisions and certain other projects requiring discretionary approval by the County. Since 1980, the County has been using standardized letters for the following reasons:

1. To obtain information from special districts and other facility providers concerning facility availability.
2. To ensure that this information is provided to the appropriate decision-making body; and
3. To provide data to the facility provider so that it can determine what capital improvements are required to serve the project.

In order to use standard forms effectively, it is necessary to specify what these form letters should contain and to clarify how they will be used.

Policy

It is the policy of the Board of Supervisors that:

- a. Uniform Project Facility Availability forms for sewer, water, and fire districts will be used in the processing of major and minor subdivisions; Rezones that would result in an increase in density or intensity of use; certain use permits; Boundary Adjustments, Time Extensions, expired maps; and Certificates of Compliance in lieu of a Tentative Map, a Tentative Parcel Map, or to correct a subdivision violation. This requirement may be waived by the Director if it is determined that, because of the project type, certain facilities will not be affected.
- b. Where such public facilities are necessary, affirmative water and sewer Project Facility Commitment forms will be required prior to approval of Final Maps, Parcel Maps, and Certificates of Compliance in lieu of a Tentative Map, a Tentative Parcel Map, or to correct a subdivision violation. The Project Facility Commitment form shall meet the requirements detailed in the Public Facility Element of the General Plan.

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c. No building permit, nor permit for the grading of a site in preparation for construction, will be issued until evidence of permanent water and sewer facility commitment (where such facilities are required by the project) is submitted to the County.

The Project Facility Availability forms request standard information on the ability of special districts and other facility providers to potentially provide facilities to serve a project. They also allow facility providers to recommend specific requirements that may be made conditions of project approval.

The forms will be submitted by the applicant at project intake. The facility provider will indicate the status of facility availability and the type of commitments or arrangements that have been or will be made to provide the facilities. The processing of projects requires specific data on availability and commitment. Any additional information provided by the facility provider would be useful to the decision-making authority; however, the standard statement selected by the facility provider from those included in the form is the primary basis for decision-making. The Project Facility Availability form is valid for one year, unless the facility provider has indicated that it is valid for a longer time period. The Director of the Department of Planning and Land Use will have the right to waive the requirement of a Project Facility Availability form at project intake if it is determined that an unreasonable delay has occurred since the district did not complete a Project Facility Availability form in a timely fashion.

For Sewer and Water Facility Only

1. Facility Availability (PFA Form)

A Project Facility Availability form will be required at project intake. In order to be considered affirmative, a completed Project Facility Availability form shall contain a statement from the facility provider that it is reasonably expected that the facility provider will be able to give a commitment for facilities to serve the project at the time of need. In the case of projects that will not be connected to a public sewer system, approval from the Department of Environmental Health will be required.

When a sewer or water district or other such agency cannot provide reasonable assurances that facilities to serve the project will be available at time of need, projects will be accepted for processing; however, Department of Planning and Land Use staff will recommend denial of the project if a Project Facility Availability form indicating availability or reasonable expectation of availability of facilities to serve the project at time of need is not received prior to tentative or preliminary approval.

2. Facilities Commitment (PFC Form)

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Commitment to provide capacity within facilities to serve a project may be given either prior to application for a development project to the County or later in the process as specified in b. above. If a Project Facility Commitment (PFC) form is submitted at the time of original project submittal, only confirmation of the commitment by the district will be required prior to final action by the approving authority (e.g., approval of the Final Map). Otherwise, a completed Project Facility Commitment form will be required prior to final action by the approving authority.

In either case, the facility provider must commit for a period of at least two years to reserve facility capacity for the parcels located within the project, except as may be limited in cases where the district also serves a city that does not require a similar commitment. This commitment or confirmation of commitment must have been obtained within the three months prior to final action by the approving authority and may be based on existing facilities or on approved facilities under construction, as stated in Implementation Measure 1.3.1 of either Section 12 or Section 13 of the Public Facility Element of the General Plan. If such commitment is based on facilities currently under construction, it may begin on a date established by the district that is subsequent to final action by the approving authority, provided that all permits and approvals necessary for the construction of the facilities have been obtained by the district.

Approval of proposed individual subsurface sewage disposal systems will be required from the Department of Environmental Health for projects that will not be connected to a public sewer system.

If a subdivision project has been conditionally approved but a commitment cannot be made by the water or sewer agency before a final subdivision map or Parcel Map can be recorded, or where a sewer allocation matrix has been imposed and a complete sewer capacity allocation cannot be granted, then a moratorium within the meaning of Government Code Section 66452.6 or Section 66463.5 may be deemed to have been imposed on the particular subdivision project. In those cases, time for recordation will be extended as provided in those Sections.

For Fire Protection and Emergency Services Facilities Only

For approval for all discretionary applications, sufficient fire protection and emergency service facilities must be available concurrent with need and response times must be adequate, as detailed in the Public Facility Element of the General Plan. This information will be requested from the fire protection agency.

If the required emergency travel time cannot be met for a proposed project, then the discretionary application will be denied unless sufficient mitigation measures are included in the conditions of approval of the application. Sufficient mitigation measures will be

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recommended by the affected fire protection agency and the Director of the Department of Planning and Land Use.

If a proposed project is not located within any fire protection district, and annexation is proposed, the affected district shall fill out the Project Facility Availability form. If the project is not located within a district and no district annexation is proposed, then the County Chief Fire Inspector will fill out the Project Facility Availability form.

Sunset Date

This policy will be reviewed for continuance by 12-31-03.

Board Action

12/16/80 (200)
12/15/82 (47), operative 03/01/83
06/06/84 (22)
12/03/86 (16)
02/11/87 (28)
07/26/88 (43)
12/12/89 (44)
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03/13/91 (2)
06/10/92 (5)
04/14/99 (11)

1. Department of Planning and Land Use
2. Department of Public Works
3. Department of Environmental Health